

# Order

Michigan Supreme Court  
Lansing, Michigan

March 21, 2012

Robert P. Young, Jr.,  
Chief Justice

143949

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

JOSHUA MORGAN,  
Plaintiff-Appellee,

v

SC: 143949  
COA: 298278  
WCAC: 09-000184

GENERAL MOTORS, L.L.C., f/k/a GENERAL  
MOTORS CORPORATION,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the July 26, 2011 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REVERSE the judgment of the Court of Appeals and we REINSTATE the decision of the Workers' Compensation Appellate Commission (WCAC). Contrary to the determination of the Court of Appeals, the WCAC did not err as a matter of law in finding that the plaintiff could not recover benefits on the basis of an injury date that he did not allege in his application. The plaintiff alleged only one injury date, in 2005. The WCAC found as fact, and the record supports, that the defendant could not possibly have known it was being called upon to defend a date that was in 1999. The WCAC correctly applied the law to the facts it found in this case.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 21, 2012

*Corbin R. Davis*

Clerk